

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Teapot Dome Disposal Site
SWIS No. 54-AA-0004
July 24, 2017

Background Information, Analysis, and Findings:

This report was developed in response to the Tulare County Health and Human Services Agency, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Teapot Dome Disposal Site, SWIS No. 54-AA-0004, located in Porterville, Tulare County, and is owned and operated by the County of Tulare. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on July 11, 2017. Action must be taken on this permit no later than September 9, 2017. If no action is taken by September 9, 2017, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following change to the first page of the permit is being proposed:

	Current Permit (2016)	Proposed Permit
Design Capacity (CY)	7,880,307 Total Volume Including Waste & Cover	8,320,307 Total Volume Including Waste & Cover

Other changes include edits to the following sections of the SWFP: "Findings," and documents that describe and/or restrict the operation of the facility, for the purpose of updating and/or clarifying.

Key Issues

The proposed permit will allow for the following:

1. An increase in design capacity from 7,880,307 cubic yards to 8,320,307 cubic yards.
2. Incorporation of the updated Joint Technical Document, dated July 2017.

Background

This is an existing Class III municipal solid waste landfill that is owned and operated by the County of Tulare. The Tulare County Solid Waste Department oversees the facility's operations. The facility is known as the Teapot Dome Landfill or Teapot Dome Disposal Site. The landfill has been in continuous operation since 1952. The landfill began receiving more waste when the nearby Woodville Disposal Site temporarily

closed in 2014. The request for an increase in design capacity is to maximize space and extend the life of the facility. The final drainage grades for the landfill are being modified as part of the landfill closure design while retaining the maximum elevation of 454 feet mean sea level.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 11, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on April 26, 2016. The LEA provided a copy to the Department on April 26, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on July 11, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 11, 2017, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated July 20, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in their memorandum dated May 19, 2017. The Preliminary Closure/Postclosure Maintenance Plan was determined to be Technically Adequate in a letter dated July 18, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Technical Support Section have found the written estimate to cover the cost of known or reasonable foreseeable corrective action consistent with State Minimum Standards as described in their memorandum dated July 18, 2017. The non-water corrective action plan was approved in a letter dated July 18, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated May 1, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated May 1, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 19, 2017. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 11, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on June 1, 2017. No written or oral comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that a Notice of Exemption should be filed after concurrence to support the Branch Chief's action on the proposed revised SWFP. See Environmental Analysis section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an 18-month inspection on April 19, 2017, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Permitting and Assistance Branch staff in the Permitting and Assistance South Unit accompanied the LEA during a pre-permit inspection on May 31, 2017, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2017 (January) – One violation of 27 CCR Section 20680 – Daily Cover.
- 2016 (December) - One violation of 27 CCR Section 20680 – Daily Cover; (August) – One violation of PRC 44014(b) – Operator Complies with Terms and Conditions; (January) - Two violations of 27 CCR Sections 21640 – Permit Review, and Section 20680 – Daily Cover.
- 2015 (December, November, October, and September) - Four violations of Public Resources Code 44014(b) - Operator Complies with Terms and Conditions; (August and July) - Two violations of 27 CCR Section 20710 - Scavenging/Salvaging/Storage; (July) – One violation of 27 CCR Section 20830 - Litter Control, and one violation of 14 CCR Section 17354 – Tire Storage.
- 2014 (December) – One violation of 27 CCR Section 20820 - Drainage and Erosion Control; and (February) – One violation of 27 CCR Section 20680 - Daily Cover.
- 2013 (December) – One violation of 27 CCR Section 20690 - Alternative Daily Cover; (July and March) – Two violations of 27 CCR Section 20710 - Scavenging/Salvaging/Storage; and (June) – One violation of 20830 - Litter Control.
- 2012 (December, April, and February) – Three violations of 27 CCR Section 20680 - Daily Cover; (October) – One violation of 27 CCR Section 20710 - Scavenging/Salvaging/Storage and one violation of 27 CCR Section 21600 - Report of Disposal Site Information.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible

Agency under CEQA and must make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The Tulare County Resource Management Agency prepared a Notice of Exemption on March 20, 2017, in order to modify the final grading plan to provide additional landfill capacity and extend the site life for an additional two to three years.

The LEA has determined that, pursuant to 14 CCR, Section 15061(b)(3), this permit application would fall under the General Rule Exemption. This Exemption applies when there is no possibility that the activity in question may have a significant effect on the environment. A Notice of Exemption was filed with the Tulare County Clerk on March 22, 2017.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the following categories: Sections 15061(b)(3) – General Rule Exemption; 15301 – Existing Facility; and 15304 – Minor Alterations to Land. The Notice of Exemption is to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing, and the increase in capacity will not result in a significant effect on the environment as a result of the minor alteration to the landfill's final grading plan. There will be no change in the maximum elevation, permitted area, daily tonnage, or hours of operation. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

Department staff further recommends the Notice of Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption filed by the Tulare County Resource Management Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on June 1, 2017, at the Tulare County Works Office, 1055 W. Henderson Ave. in the City of Porterville. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on July 18, 2017. No comments have been received by Department staff.